

Under the Paperwork Reduction Act of 1996, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 1008 015 501 0202
INTERNATIONAL APPLICATION NO. PCT/US2004/042909	INTERNATIONAL FILING DATE December 20, 2004	U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
PRIORITY DATE CLAIMED February 20, 2004		
TITLE OF INVENTION BIO-FUNCTION MONITORING AND PREVENTIVE SYSTEM AND METHODOLOGY THEREOF		
APPLICANT(S) FOR DO/EO/US Michael L. Weiner		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))</p> <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto. <input checked="" type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <ol style="list-style-type: none"> <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 38 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13(ter.2) and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (end by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER																																																																																																																																																																			
		PCT/US2004/042909		1008 015 501 0202																																																																																																																																																																			
20. Other items or information:																																																																																																																																																																							
<p>The following fees have been submitted</p> <table border="1"> <tr> <td>21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))</td> <td>\$300</td> <td colspan="2">CALCULATIONS</td> <td colspan="2">PTO USE ONLY</td> </tr> <tr> <td>22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))</td> <td>\$0</td> <td>\$</td> <td>150</td> <td></td> <td></td> </tr> <tr> <td>If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).</td> <td>\$0</td> <td>\$</td> <td>100</td> <td></td> <td></td> </tr> <tr> <td>All other situations</td> <td>\$200</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))</td> <td>\$0</td> <td>\$</td> <td>250</td> <td></td> <td></td> </tr> <tr> <td>If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).</td> <td>\$0</td> <td>\$</td> <td>250</td> <td></td> <td></td> </tr> <tr> <td>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.</td> <td>\$100</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.</td> <td>\$400</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>All other situations</td> <td>\$600</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td colspan="2">TOTAL OF 21, 22 and 23 =</td> <td colspan="2"></td> <td>\$500</td> <td></td> </tr> <tr> <td colspan="6"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. </td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> <td colspan="2"></td> </tr> <tr> <td>0 - 100 =</td> <td>0 /50 =</td> <td>0</td> <td>x \$250</td> <td>\$</td> <td>0</td> </tr> <tr> <td colspan="6">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> </tr> <tr> <td>CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> <td>RATE</td> <td colspan="2">\$</td> </tr> <tr> <td>Total claims</td> <td>17</td> <td>- 20 =</td> <td>0</td> <td>x \$ 50</td> <td>\$ 0</td> </tr> <tr> <td>Independent claims</td> <td>2</td> <td>- 3 =</td> <td>0</td> <td>x \$200</td> <td>\$ 0</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(S) (If applicable)</td> <td>+ \$360</td> <td>\$</td> </tr> <tr> <td colspan="4"></td> <td>TOTAL OF ABOVE CALCULATIONS =</td> <td>\$ 500</td> </tr> <tr> <td colspan="6"> <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½. </td> </tr> <tr> <td colspan="6"> SUBTOTAL = \$ 500 </td> </tr> <tr> <td colspan="6">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). + \$</td> </tr> <tr> <td colspan="6"> TOTAL NATIONAL FEE = \$ 500 </td> </tr> <tr> <td colspan="6">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property Number of Properties 0 + \$ 0</td> </tr> <tr> <td colspan="6"> TOTAL FEES ENCLOSED = \$ 500 </td> </tr> <tr> <td colspan="6">Amount to be refunded: \$</td> </tr> <tr> <td colspan="6">Amount to be charged: \$</td> </tr> </table>						21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))	\$300	CALCULATIONS		PTO USE ONLY		22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))	\$0	\$	150			If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).	\$0	\$	100			All other situations	\$200					23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))	\$0	\$	250			If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).	\$0	\$	250			Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.	\$100					International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.	\$400					All other situations	\$600					TOTAL OF 21, 22 and 23 =				\$500		<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE			0 - 100 =	0 /50 =	0	x \$250	\$	0	Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).						CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		Total claims	17	- 20 =	0	x \$ 50	\$ 0	Independent claims	2	- 3 =	0	x \$200	\$ 0	MULTIPLE DEPENDENT CLAIM(S) (If applicable)				+ \$360	\$					TOTAL OF ABOVE CALCULATIONS =	\$ 500	<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.						SUBTOTAL = \$ 500						Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). + \$						TOTAL NATIONAL FEE = \$ 500						Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property Number of Properties 0 + \$ 0						TOTAL FEES ENCLOSED = \$ 500						Amount to be refunded: \$						Amount to be charged: \$					
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))	\$300	CALCULATIONS		PTO USE ONLY																																																																																																																																																																			
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))	\$0	\$	150																																																																																																																																																																				
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).	\$0	\$	100																																																																																																																																																																				
All other situations	\$200																																																																																																																																																																						
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))	\$0	\$	250																																																																																																																																																																				
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).	\$0	\$	250																																																																																																																																																																				
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.	\$100																																																																																																																																																																						
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.	\$400																																																																																																																																																																						
All other situations	\$600																																																																																																																																																																						
TOTAL OF 21, 22 and 23 =				\$500																																																																																																																																																																			
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																																																																																																																																																																							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE																																																																																																																																																																				
0 - 100 =	0 /50 =	0	x \$250	\$	0																																																																																																																																																																		
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).																																																																																																																																																																							
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$																																																																																																																																																																			
Total claims	17	- 20 =	0	x \$ 50	\$ 0																																																																																																																																																																		
Independent claims	2	- 3 =	0	x \$200	\$ 0																																																																																																																																																																		
MULTIPLE DEPENDENT CLAIM(S) (If applicable)				+ \$360	\$																																																																																																																																																																		
				TOTAL OF ABOVE CALCULATIONS =	\$ 500																																																																																																																																																																		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.																																																																																																																																																																							
SUBTOTAL = \$ 500																																																																																																																																																																							
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). + \$																																																																																																																																																																							
TOTAL NATIONAL FEE = \$ 500																																																																																																																																																																							
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property Number of Properties 0 + \$ 0																																																																																																																																																																							
TOTAL FEES ENCLOSED = \$ 500																																																																																																																																																																							
Amount to be refunded: \$																																																																																																																																																																							
Amount to be charged: \$																																																																																																																																																																							

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Total Fees: \$500

1008 015 501 0202

- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. 50-2737 in the amount of \$ \$500 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2737. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Duane C. Basch; Michael J. Nickerson
 Basch & Nickerson LLP
 1777 Penfield Road
 Penfield, NY 14526
 Telephone 585-899-3970



SIGNATURE

Michael J. Nickerson

NAME

33,265

REGISTRATION NUMBER